

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1139 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

TJ SHUKLA

Versus

SR.SUPDTDG. OF POST OFFICE

Appearance:

MR PH PATHAK for Petitioner

MR YN RAVANI for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 16/04/99

ORAL JUDGEMENT

1. Rule. Heard learned advocates for the respective parties. With the consent of the learned advocates this petition is finally disposed of today under this order.

2. The petitioner relies upon the judgment of the Supreme Court in the matter of GENERAL MANAGER, TELCOM vs A.SRINIVASARAO AND OTHERS (1997) 8 SCC 767) and states

that the Telcom Department of Union of India is an industry within the meaning of section 2(j) of the Industrial Disputes Act, 1947 and the application before the tribunal is maintainable. The Reference ITC 2/91 made to the Industrial Tribunal has been rejected on the ground that the Telcom Department of the Union of India is not an industry.

3. In view of the above referred judgment the impugned order of the tribunal is quashed and set aside. The reference is remanded to the tribunal for decision on merits. The petition is accordingly allowed. Rule is made absolute. There shall be no order as to costs.

4. Registry is directed to send the writ forthwith.

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